

REMARKS

In the June 13, 2007 Office Action, the Examiner noted that claims 1-12 were pending in the application; rejected claim 9 under 35 USC § 102(e); and rejected claims 1-8 and 10-12 under 35 USC § 103(a). In rejecting the claims, U.S. Patents 6,751,616 to Chan and 6,058,400 to Slaughter (References A and B, respectively) were cited. Claims 1-12 remain in the case. The rejections are traversed below.

Rejection under 35 USC § 102(e)

in item 4 on pages 2-3 of the June 13, 2007 Office Action, claim 9 was rejected under 35 USC § 102(e) as anticipated by Slaughter. In making this rejection, it was asserted that column 11, lines 41-44 of Slaughter disclosed "metadata client nodes, coupled to said storage area network, to release a lock on virtual metadata when relocation of said at least one metadata server is underway during execution of operations on the virtual metadata" (claim 9, last 3 lines). The cited portion of Slaughter states "[a] distributed lock manager controls access to the locks. When a node obtains access to a write lock, the node marks the write lock as unavailable, performs the desired operation and then releases the write lock."

There is no mention in the portion of Slaughter cited as disclosing the last three lines of claim 9 regarding what happens "when relocation of said at least one metadata server is underway" (claim 9, line 6). No other portion of Slaughter was cited as relevant to what happens "when relocation of said at least one metadata server is underway" and the word "relocation" cannot be found in Slaughter. Therefore, it is submitted that Slaughter is incapable of anticipating claim 9 and withdrawal of the rejection is respectfully requested.

Rejection under 35 USC § 103(a)

In item 6 on pages 3-7 of the June 13, 2007 Office Action, claims 1-8 and 10-12 were rejected under 35 USC § 103(a) as unpatentable over Chan in view of Slaughter.

As discussed in the Amendment filed May 24, 2006, the Request for Reconsideration filed November 6, 2006 and the Appeal Brief filed February 5, 2007 (received by the U.S. Patent and Trademark Office on February 7, 2007), prior to the June 13, 2007 Office Action, nothing had been cited in Chan regarding anything that is done during relocation of a metadata server, only reconfiguration of cluster membership without any suggestion that a metadata server is being relocated. The discussion at column 10, lines 10-16 of Chan, cited for the first time in the June 13, 2007 Office Action, notes that "each master RLO that was on that node must be

transferred to a new master node and installed in a master RLO for that resource on the new node ... [by transferring] information in a series of ... messages" (column 10, lines 12-15). It appears that the term "master RLO" might be similar to a metadata server, since "RLO" stands for "Resource Locking Object" (e.g., column 10, line 17) and a "resource has only one master RLO" (column 10, line 16). However, nothing further has been cited or found in Chan regarding what operations are performed when a master RLO is removed from a cluster, other than using messages to send information required to install a master RLO on a new node.

As discussed above, no mention of relocation has been cited or found in Slaughter, contrary to the assertion in the paragraph spanning pages 4 and 5 of the June 13, 2007 Office Action. Thus, all that one of ordinary skill in the art would learn from the combination of Chan and Slaughter is that (1) the function of locking resources performed by a master RLO must be transferred to another node if the node on which the master RLO resides is removed from a cluster, (2) the transferring of master RLO functions to another node is performed by a series of messages, and (3) after a node has **performed** a desired operation on a resource, the (write) lock on the resource is released. It is submitted that these teachings in Chan and Slaughter do not suggest "releasing a lock on the virtual metadata if relocation of a required metadata server is underway during execution of the operations on the virtual metadata" (e.g., claim 1, lines 3-4). According to Slaughter, there would be no lock on virtual metadata if the desired operation had been performed and, as discussed repeatedly in response to the continued rejection of the claims based on Chan, all that has been cited or found in Chan that might be relevant to relocation of a metadata server is the use of messages to transfer information.

Claim 5 recites "releasing a lock on virtual metadata when relocation of the metadata server is underway during execution of operations on the virtual metadata" (claim 5, last 2 lines) and claim 10 recites "releasing a lock on the virtual metadata if relocation of a required metadata server is underway during execution of the operations on the virtual metadata" (claim 10, last 2 lines). Therefore, it is submitted that claims 1, 5 and 10, as well as claims 2-4, 6-8, 11 and 12 which depend therefrom, patentably distinguish over Chan in view of Slaughter for the reasons set forth above and in the May 24, 2006 Amendment, the November 6, 2006 Request for Reconsideration and the February 5, 2007 Appeal Brief.

Summary

It is submitted that the references cited in rejecting the claims do not teach or suggest the features of the present claimed invention. Thus, it is submitted that claims 1-12 are in a

condition suitable for allowance. Reconsideration of the claims and an early Notice of Allowance are earnestly solicited.

Finally, if there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 19-3935.

Respectfully submitted,

STAAS & HALSEY LLP

Date: October 15, 2007

By: /Richard A. Gollhofer/
Richard A. Gollhofer
Registration No. 31,106

1201 New York Avenue, NW, 7th Floor
Washington, D.C. 20005
Telephone: (202) 434-1500
Facsimile: (202) 434-1501